

SENATE CHAMBER,  
AUSTIN, TEXAS, Wednesday, February 1, 1871. }

Senate met pursuant to adjournment; Hon. Don Campbell, President, in the chair.

Roll called; quorum present.

Prayer by the Chaplain.

Journal of yesterday read and adopted.

Under the direction of the President, the Secretary carried to the House, for concurrence:

An act (Senate bill No. 1) to amend the twenty-second section of an act, entitled "An act prescribing the times of holding the district courts in the several judicial districts in the State."

Also, "An act (Senate bill No. 40) incorporating the Texas Coal and Mining Company."

Also, for signature of the Speaker, enrolled Senate joint resolution No. 1, "instructing our Senators and requesting our Representatives in Congress to secure the establishment of the Port of Sabine Pass a port of entry," which was signed by the Speaker, returned and signed by the President of the Senate.

Message from the House by Chief Clerk, transmitting concurrent resolution No. 2, "authorizing the appointment of a committee of three from the House and of two from the Senate, that body concurring, to take into consideration the fixing of the time for final adjournment of their respective bodies."

### REPORTS OF STANDING COMMITTEES.

Report of Committee on State Affairs:

COMMITTEE ROOM,  
AUSTIN, February 1, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 17, entitled "An act to incorporate the Galveston Seamen's Home," have duly considered the same, and recommend its passage, with the following amendments: in section one, line eleven, amend by inserting after the word "corporate," the words "not inconsistent with the Constitution and laws of this State," and in section four, line fifteen, strike out all of said section after

the words "by-laws," and in section five add, by inserting the words "and take effect from and after its passage."

S. W. FORD,  
Chairman.

Report read, and laid over under the rules.

Reports of Committee on Claims and Accounts :

COMMITTEE ROOM,  
AUSTIN, January 31, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Claims and Accounts, to whom was referred Senate bill No. 100, entitled "An act for the relief of A. H. Cook, have had the same under consideration, and respectfully report the following facts :

The Legislature of 1866 authorized Governor Throckmorton to purchase a sufficient number of Sayles' Treaties for certain offices mentioned in the act, and appropriated the sum of \$5,000 for this purpose.

That one thousand copies were purchased, at five dollars per copy, and this exhausted the appropriation.

This number was not sufficient for the purpose named, by five hundred copies, for which said Governor Throckmorton contracted, and the books are now ready for delivery and no appropriation made to pay for them.

Petitioner asks an appropriation be made to pay for them.

Petitioner asks an appropriation of \$2,800 and interest, to which your committee does not assent, but agrees to take the books at five dollars per copy, making \$2,500 for this appropriation. The accompanying bill is presented, and the passage thereof recommended.

Respectfully,

HENRY RAWSON,  
Chairman.

"An act (Senate bill No. 77) for the relief of A. H. Cook."

Report and bill read first time, and laid over under the rules.

COMMITTEE ROOM,  
AUSTIN, January 31, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Claims and Accounts, to whom was referred Senate bill No. 64, entitled "An act for the relief of W. B. Horne, District Attorney for the Thirtieth Judicial District, have

had the same under consideration, and I am instructed to report it back to the Senate, and recommend that it do pass.

Respectfully,

HENRY RAWSON,  
Chairman.

Report read and laid over under the rules.

COMMITTEE ROOM,  
AUSTIN, January 31, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Claims and Accounts, to whom was referred the petition of John S. Stumps for relief, have had the same under consideration, and I am instructed to report it back to the Senate his petition and accompanying bill, and recommend that it do not pass.

Respectfully,

HENRY RAWSON,  
Chairman.

"An act (Senate bill No. 78) granting a pension to John S. Stumps."

Report and bill read first time and laid over under the rules.

Report of Committee on Agricultural Affairs :

COMMITTEE ROOM,  
AUSTIN, January 31, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Agricultural Affairs, to whom was referred Senate bill No. 71, entitled "An act to incorporate the Marion County Agricultural, Mechanical and Blood Stock Association," have had the same under consideration, and I am instructed to report it back to the Senate, and recommend that it do pass.

Respectfully,

HENRY RAWSON,  
Chairman.

Report read and laid over under the rules.

Report of Committee on Finance :

COMMITTEE ROOM,  
AUSTIN, January 31, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Finance, to whom was referred Senate bill No. 10, entitled "An act for the relief of James E. Carlton, sheriff of Jasper county," have had the same under careful consid-

eration, and I am instructed to return it to the Senate and earnestly recommend that it be passed.

Very respectfully,

W. A. SAYLOR,  
Chairman.

Report read and laid over under the rules.

Report of Committee on Education :

COMMITTEE ROOM,  
AUSTIN, January 30, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Education, to whom was referred Senate bill No. 23, to be entitled "An act to prohibit the sale or otherwise disposing of spirituous or vinious liquors within five miles of Johnson Point Male and Female Academy in Kaufman county, respectfully report that they have had the same under consideration, and report herewith a substitute for the original bill, and recommend the passage of the same.

Respectfully,

E. PETTIT,  
Chairman.

Substitute, (Senate bill No. 23) "An act to be entitled 'An act to prohibit the sale of spirituous or intoxicating liquors within two miles of Johnson's Point Male and Female Seminary.' "

Report and substitute read first time and laid over under the rules.

Senator Pickett, Chairman of Select Committee (on Senate bill No. 46) an act to provide for the defense of a certain suit therein named, made the following report :

COMMITTEE ROOM,  
AUSTIN, January 31, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your committee to whom was referred Senate bill No. 46, entitled "An act to provide for the defense of a certain suit therein named," together with pending amendments and substitute, with instructions to report by bill a substitute for the whole, beg leave to submit herewith the accompanying bill, and recommend that the same do pass.

E. B. PICKETT,  
W. H. PARSONS,  
J. P. DOUGLAS.

Substitute, (Senate bill No. 46) "An act to be entitled 'An act to provide for the defense of a certain suit therein named.' "

Report and substitute read first time, and laid over under the rules.

Senator Pickett, Chairman of Select Committee, made the following report on the Governor's Message relative to "An act granting pensions to the surviving veterans of the revolution which separated Texas from Mexico."

COMMITTEE ROOM,  
AUSTIN, January 31, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Select Committee to whom was referred the special message of the Governor, and the communication of the Comptroller relative to "An act granting pensions to the surviving veterans of the revolution which separated Texas from Mexico," approved August 13, 1870, have had the same under consideration, and herewith report a bill amendatory of said above recited act, and recommend the passage of the same.

E. B. PICKETT,  
G. T. RUBY,  
W. A. SAYLOR.

An act (Senate bill No. 79) to be entitled "An act to amend an act entitled an act granting pensions to the surviving veterans of the revolution which separated Texas from Mexico."

Report and bill read first time, and laid over under the rules.

Senator Fountain moved that all bills of a general nature, reported favorably from committees, be printed, which motion was adopted.

Senator Ruby made the following report of Committee on Engrossed Bills :

COMMITTEE ROOM,  
AUSTIN, February 1, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Engrossed Bills have examined and compared Senate bill No. 61, "to amend the thirty-fourth and thirty-sixth sections of an act entitled 'An act prescribing the times of holding the district courts in the several judicial districts in the State, approved August 10, 1870,'" and Senate bill No. 62, "to amend an act entitled 'An act to provide for districting the State of Texas into judicial districts, approved July 2, 1870,'" and find the same to be correctly engrossed.

G. T. RUBY,  
E. L. DOHONEY.

Report read and received, and Secretary carried to the House for concurrence Senate bills Nos. 61 and 62.

## BILLS AND RESOLUTIONS.

By Senator Bowers : "An act (Senate bill No. 80) for the relief of S. B. Buckley, late Assistant State Geologist."

Read first time and referred to Committee on Judiciary.

Senator Pettit offered the following concurrent resolution, (Senate concurrent resolution No. 1) :

*Resolved*, That the Committees on Education of both Houses are hereby requested and authorized to hold joint sessions for the purpose of inquiring, first, what legislation, if any, is necessary to render efficient a system of public free schools in this State, as contemplated by the Constitution thereof, and second, for the purpose of recommending the appropriation necessary to inaugurate said system, with instructions: first, to report at the earliest date practicable, by bill or otherwise, and second, with instructions to continue in session from day to day, until final action be had and the subject of common schools be disposed of by this Legislature.

Read first time.

Senator Flanagan moved its reference to Committee on Contingent Expenses.

Lost.

By Senator Ruby: "An act (Senate bill No. 81) to prohibit the sale or distribution of spirituous or other intoxicating liquors, or the establishment of any drinking saloon, gambling house, house of ill fame, etc., within certain limits."

Read first time and referred to Committee on State Affairs.

By Senator Bell: "An act (Senate bill No. 82) for the relief of Mrs. America P. McCall."

Read first time and referred to Committee on State Affairs.

By Senator Dohoney: "An act (Senate bill No. 83) supplementary to an act to organize the courts of justices of the peace and define their jurisdiction and duties, approved August 13, 1870."

Read first time and referred to Committee on Judiciary.

Also an act (Senate bill No. 84) to be entitled "An act to amend an act approved May 10, 1846, in reference to district courts."

Read first time and referred to Committee on Judiciary.

By Senator Hertzberg: An act (Senate bill No. 85) to be entitled "An act to incorporate the San Antonio Hook and Ladder Company No. 1."

Read first time and referred to Committee on Judiciary.

Also an act (Senate bill No. 86) to be entitled "An act for the relief of Jose Maria Rodriguez."

Read first time and referred to Committee on Judiciary.

By Senator Broughton: "An act (Senate bill No. 87) to organize and incorporate the East Line and Red River Railroad Company of Texas."

Read first time and referred to Committee on Internal Improvements.

By Senator Gaines: "An act (Senate bill No. 88) to authorize the Police Court of Washington county to levy a special tax for building a jail at the county seat."

Read first time and referred to Committee on Judiciary.

Senator Gaines offered the following resolution and moved its adoption:

*Be it resolved by the Senate,* That all the officers now in office in the Senate, be and they are hereby retained for this term of the Legislature.

Senator Douglas moved its reference to the Committee on Privileges and Elections.

Senator Fountain made the point of order that the resolution was not in order under the rules of the Senate.

The President decided the point of order well taken, and held the resolution to be out of order.

By Senator Pridgen: "An act (Senate bill No. 89) to incorporate the West Texas Road Steamer Transportation Company."

Also, "An act (Senate bill No. 90) to incorporate the Encinal Stock Raisers', Trading and Transportation Company."

Bills read first time and referred to Committee on State Affairs.

Senator Douglas offered the following resolution:

*Resolved,* That a select committee of five members be appointed to confer with a select committee of the House, to take into consideration the subject of "a division of the State," and report by bill or otherwise.

12, M.

On motion of Senator Ruby, the Senate went into executive session.

#### IN SENATE.

On motion of Senator Ruby, the Secretary was instructed to inform his Excellency, the Governor, that the Senate, in executive session, advises and consents to the following appointments, to-wit:

C. B. Sabin, for Judge of the Eighteenth Judicial District.

S. B. Newcomb, for Judge of the Twenty-fifth Judicial District.

J. D. McAdoo, for Judge of the Seventh Judicial District.

Messages from the Governor by his Private Secretary:

## EXECUTIVE DEPARTMENT,

AUSTIN, February 1, 1871.

To the honorable Senate, State of Texas:

GENTLEMEN: I respectfully ask your advice and consent to the following appointment, to-wit:

J. C. Ogle, Financial Agent for the State Penitentiary.

Respectfully,

E. J. DAVIS,

Governor.

Read, and referred to Committee on Nominations.

## EXECUTIVE DEPARTMENT,

AUSTIN, January 30, 1871.

To the honorable Senate and House of Representatives, of the State of Texas:

GENTLEMEN: I have the honor to make the following report of proposals for the location of two penitentiaries, one east of the Trinity and one west of the Colorado rivers, which have been received in response to my proclamation dated September 1, 1870; issued in accordance with joint resolution approved August 15, 1870, entitled "Joint resolution No. 8, authoring the Governor to invite proposals for the location of two penitentiaries, and to report the result to the next session of the Legislature."

Very respectfully,

EDMUND J. DAVIS,

Governor.

## REPORT.

*First—Proposal of Theo. Koester, of Comal County.*

THE STATE OF TEXAS, {

COUNTY OF COMAL.

The undersigned, a resident citizen of Comal county, Texas, submits most respectfully the subjoined proposal, in accordance with the proclamation of the Governor of Texas, of date September 1, 1870, relative to the State penitentiaries:

The undersigned proposes to sell to the State of Texas the property hereinafter described as most suitable for the purposes proposed, to-wit: Five acres of land about two miles from the city of New Braunfels, in Comal county, Texas, situated on the north side of the Comal Spring branch. The Comal Spring branch is a constantly running stream of the purest and best water, and is more than thirty feet wide. The said five acres are above overflow, and are beautifully situated for building purposes.



## IMPROVEMENTS UPON THE LAND.

There are upon this tract a two-story mill house, about 40x26 feet; a blacksmith shop; a dwelling house with kitchen and out-houses; all the buildings being frame, but of good materials and in good repair. In the mill house there are at present two sets of rocks with cleaners, smutters and sifters, etc., and all other machinery and appliances for grinding corn and small grains. Connected with and attached to this two-story mill house is a three-story house of about 26x35 feet. Also a saw mill with circular saw in good order. In this three-story building is a large and complete set of machinery for the manufacture of sashes, doors, blinds, etc., and planing, tongueing and grooving lumber; and also another very good and complete set of machinery for the manufacture of all kinds of wagon materials. There are over thirty different machines in this building.

All buildings above described are in good condition and repair, and built of the best materials to be had in the country.

The machinery above described is all good and in the very best running order.

About 160 acres will be sold with the above. This one hundred and sixty acres is about two miles from the above described tract of five acres, and is principally valuable for the character and quantity of rock and other building materials it affords. As a rock quarry, it may almost be said to be inexhaustible. The rock is a hard limestone, and is considered the best, cheapest and most permanent and durable material for building purposes in Western Texas. There is but little timber upon this tract and no farming or tillable land.

## TIMBER.

In the neighborhood of the premises aforesaid, all the forest growth of Western Texas can be found in sufficient quantities, viz: cedar, pecan, cypress, sycamore, elm, pin, post and water oak, black walnut and mesquite.

Lumber made of the native timber can be bought at from three to eight cents per foot at New Braunfels, and Texas pine lumber at from six to seven cents per foot, and Florida pine at from eight to nine cents per foot.

Lime and rock for building purposes can be had in any quantity and of the very best quality. Good bricks can be bought in New Braunfels at \$10 per thousand, and fire wood at from \$2 to \$3 per cord.

## WATER POWER.

The water power upon the lands above described, is at present derived from an undershot wheel and is about a twenty horse, but with three turbine wheels, can be easily increased to a thirty or forty horse power.

## ADVANTAGES.

The tract proposed is within two miles of the city of New Braunfels, one of the most flourishing towns of Western Texas. The surrounding country is one of the most healthy and most beautiful in the world. The tract is within one mile of the Guadalupe river, and is immediately upon the main thoroughfare from the city of Austin to the city of San Antonio.

## PRICE OF THE ABOVE LANDS.

The price asked for the above five acres and all the improvements and machinery upon it, together with the 160 acres above described, is twenty-five thousand dollars in coin (\$25,000.)

## TITLES ARE INDISPUTABLE.

(Reference is made to the map of New Braunfels, herewith filed as a part hereof. The lots above mentioned are numbered 75, 76 and 79, in Comal town.)

(Signed)

TH. KOESTER.

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*Second—A Memorial and Committee Report from Citizens of Rusk County.*

## MEMORIAL.

To his Excellency, EDMUND J. DAVIS,

Governor of Texas:

In obedience to your proclamation, inviting proposals for the building of a branch penitentiary east of the Trinity river, the people of the county of Rusk met in mass meeting, at the court house in the town of Henderson, on the first day of October, 1870, to

consider the subject, and make such proposals in accordance with the terms of the proclamation.

On motion, J. M. Dodson, Esq., was called to the chair, and J. C. Hickey appointed Secretary.

On motion, the chairman appointed the following committee to draft proposals, and J. G. Graham, J. H. Jones, J. P. Finly, Taylor Brown, J. L. Howard, J. S. Boggess, W. W. Morris, D. P. Howard, W. S. Moss, J. J. Cary, W. B. Harper, C. C. Doyle and G. W. Diamond.

The committee made the following

### REPORT.

Your committee appointed to draft proposals for the building of a branch penitentiary east of the Trinity river, beg leave to report that they have made estimates of the cost of the material necessary for the erection of said branch penitentiary, and duly considered the facilities for obtaining such material and the availability of the locality as follows:

Our position is thirty-two miles south of the present terminus of the Southern Pacific Railroad, and will be twenty-five miles from Long View, which will be the terminus in a few weeks.

We have nearly every variety of timber for building, furniture and fuel, and the following varieties in great abundance, viz: pine, red oak, post oak, white oak, black jack, lynn, hickory and cypress, and the following in sufficient quantities to meet all demands which would likely be required, viz: walnut, gum, mulberry, locust and cherry. It is estimated that pine lumber for building purposes can be procured in the greatest abundance near Henderson at \$10 per thousand feet, and that wood for fuel can be furnished at one dollar per cord. Other timber at rates corresponding to these.

The resources of Henderson and vicinity for making brick are exhaustless. The very best quality can be furnished at \$5 00 per thousand. Water is abundant and pure, sufficient for all purposes which could be demanded in connection with an institution of this kind.

As to health, we place Henderson second to no place in the State. In addition to the direct responses to your Excellency's proclamation, we state that iron ore of a very high per cent. abounds in this vicinity, and throughout the county.

Asking from your Excellency a favorable consideration of the above proposals, the members of the committee beg leave to assure

you, that they will, individually, be found co-workers in establishing this much needed institution.

Respectfully submitted,

J. G. GRAHAM,  
Chairman.

The report of the committee was unanimously adopted.

On motion the meeting adjourned.

J. M. DODSON,  
Chairman.

J. C. HICKY,  
Secretary.

*Third—A Memorial from the Citizens of Helena, in Karnes County:*

To His Excellency E. J. DAVIS,

Governor of the State of Texas :

SIR: In compliance with the joint resolution of the last Legislature, and your Excellency's proclamation inviting proposals for the establishment of a penitentiary west of the Colorado river, we, the undersigned citizens of that district, would respectfully submit the following propositions in favor of Helena or its vicinity, as the point best adapted for said location :

First—We regard the point as the most central of any embraced within the territory, taking into consideration the natural agricultural and manufacturing advantages of the surroundings. It being the centre of a district of from one to two hundred miles square of territory, which for soil and climate for the production of wool, cotton, and in fact the various field products of the southern latitudes, cannot be surpassed on the continent; to which is added the immense water power afforded by the San Antonio river, from its head to the junction with the Guadalupe, thus giving assurance that at no distant day it will be surrounded with a dense agricultural and manufacturing population.

The second point of excellence is its freedom from the various epidemics which have from time to time visited other localities on every side of it, as well as the general good health of the inhabitants; and its peculiar location and surroundings warrant us in saying such will continue to be its character.

The third item is the water power afforded by the San Antonio river for the use of the institution, should it be desired, and should steam power be preferred, wood is abundant for its manufacture.

The fourth item is the building material, consisting of a very superior clay, for the manufacture of brick, which can also be man-

ufactured into a very superior article of potters' or stone ware; besides stone, with lime and sand, abundant and convenient.

Although not immediately on the line of a projected railroad, it is sufficiently near that from Indianola to San Antonio, and the supposed route of the extension of the Chattanooga to Laredo, and others which will in the course of time be built from the gulf towns toward Mexico and the interior, so as to be easily accessible, and perhaps sufficiently near to be desirable for such an institution.

The increasing production of wood and cotton, warrants us in saying, that a supply would be furnished from the immediate vicinity, the cotton in the seed and wool from clippings, avoiding thus the injury from baling, should their manufacture be decided upon; and a home market to a very great extent at least, would be found for the manufactured articles.

From the success of former experiments, we are assured that so soon as a proper system of agriculture is adopted the entire list of small grains will be successfully raised, and the prevalence of the trade winds or sea breezes insure the successful cultivation of sea island cotton in addition to the other varieties, which has also been verified by experiment. And the mill facilities of the district at present amount to comparatively nothing, and the erection of a good grist mill would ensure food for the convicts from its profits, if not at once, in the course of time; and the addition of a gin, for the preparation for market of the cotton not purchased by the institution, would be also a source of profit.

As for the manufacture and repairs of wagons, plows and all the various agricultural and mechanical tools and appliances, there is a vast country to supply with scarcely any competition, and such is really the fact in regard to all the mechanical pursuits.

The annual shipment of hides from this point would supply a vast tannery, with an abundant supply of oak barks, mesquite and other tanning materials at hand, and the consumption of saddlery and harness, would insure a home market for the manufactured leather, as well as the demand for boots and shoes, which must be an increasing one, as the country settles. The manufacture of saddle trees would also be a highly profitable employment, as the demand for them is equal to any section of like extent in the State.

The manufacture of brooms is also an item of interest, as the production of a superior article of brush is a matter fully verified by experiment.

In reference to a present supply of food, there is a large Polish population now engaged in the production of all needed articles, which are at present disposed of in the San Antonio markets, but could be easily diverted and increased to any required extent.

While we would urge strongly the natural advantages of our position, and deem them sufficient in themselves to insure the location, we are aware that older and more densely populated districts may and are able to offer present pecuniary advantages beyond our means; but we deem it but right that our prospective advantages be looked at in the location, as the present outlay, though apparently large, will be a small item when viewed in the light of the progress of but a few years to come. At the same time, we tender the water power and sufficient grounds, with all the necessary building materials which the country affords—the selection of location to be made, and other matters arranged by and with the commissioners, which, we suppose, will be appointed to examine the different proposed points. In view of the above facts, many of which are well known to your Excellency, as well as some of the members of the Legislature, we submit the claims of our point, believing that an impartial and just decision will be arrived at.

[Signed]  
[Signed]

R. L. HASKINS,  
H. H. McLANE,  
and many others.

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*Fourth—A letter from S. S. Brown, of San Antonio, proposing to donate lands to the State for said purposes, a copy of which is hereto annexed:*

December 27, 1870.

DEAR SIR: I understand a penitentiary or State prison is to be located in the west of our State. I would thank you for copy of bill authorizing it, and any information you may be pleased to impart to me upon the subject.

I should like to get the statistics of the Huntsville prison, including extent and cost of buildings, etc.; also machinery, kind, quantity and cost, put running.

I believe I have the most suitable locality for the State prison of West Texas that can be found west of the Colorado. I am willing to donate it to the State, and think that a prison establishment of the most approved construction and surroundings, internal and external, fitted up for various industries, can be erected and put into

operation at my place at 25 to 33 per cent. less than it can be done at any other point.

Very respectfully,

Your obedient servant,

[Signed]

S. S. BROWN,

P. O. Box 97,

San Antonio,

Texas.

Hon. J. P. NEWCOMB,  
Secretary of State,  
Austin, Texas.

*Fifth—Communication from the Mayor, and resolutions passed by the City Council of the city of San Antonio, together with map or plot of lands proposed to be donated:*

To the Honorable, the Legislature of the State of Texas:

GENTLEMEN: In accordance with resolutions passed by the City Council of the city of San Antonio in a called meeting to-day, a copy of which is herewith transmitted, I have the honor of tendering to the State, through your honorable body, for a site for a State penitentiary, the city property therein indicated, and as will more satisfactorily appear from the accompanying plot of property, drawn by our City Surveyor and Engineer.

You will also observe that in addition to the ground tendered, it is proposed to connect therewith all necessary water powers and privileges, together with the free use of the adjacent stone quarries of the city. Were it not that the situation of the property tendered has been thoroughly examined by competent parties, of whose report in relation thereto you, no doubt, are informed, I could give you personal assurance that the water power and privileges connected with this property are unsurpassed, and that the stone of the quarries is of superior quality, of sufficient quantity, and that fire-wood is in abundance within eight miles of the locality.

Of the salubrity of our climate and the healthfulness of the particular situation I need say nothing, as of these you are doubtless well informed.

With the full confidence that the superior advantages of this locality will render this proffered donation readily acceptable,

I have the honor to be,

Very respectfully,

Your obedient servant,

[Signed.]

WILH. C. A. THIELEPAPE,

Mayor of the city of San Antonio.

San Antonio, January 7, 1871.

SAN ANTONIO, January 20, 1871.

Hon. W. J. LOCKE,  
Austin, Texas:

DEAR SIR:

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I have the honor to hand you herewith certificate of experts in the matters to which they certify, which will be of more weight than my mere opinion, and which, it is believed, affords exclusive evidence of the facilities which the site tendered by the city to the State for a penitentiary, offers.

In regard to the wood necessary for fuel, you must testify yourself, as you are living in that vicinity, and therefore being well acquainted with this subject.

In reference to the salubrity of our atmosphere and the healthfulness of the climate of this vicinity, these matters are so notorious as to require no opinion.

The city quarries laying, as the plot I have sent you shows, northwest of the site offered, and numbered from twenty to twenty-seven inclusive, are immediately adjacent to the land, extending to the upper labor ditch, which bounds the land on the northwest; and should the tendered donation be accepted, the State will be authorized to use stones from any of the quarries as she may elect.

In conclusion, I will state that, should you deem it expedient, you can submit this letter in connection with the certificates enclosed. These certificates contain a character of evidence that could be produced from very many more of our most respectable citizens.

Very respectfully,

Your obedient servant,

WILH. C. A. THIELEPAPE,  
Mayor city of San Antonio.

*Distance of the aforementioned site from centre of the city of San Antonio.*

The following distances are taken from an old plot of the city tract:

5,100 varas (two and two-third miles) from Alamo Plaza, passing between San Antonio river and Alamo ditch to the head of said ditch.



6,250 varas (three and one-fourth miles) from Main Plaza, passing through Acequia street to upper labor ditch, from thence along said ditch passing by rock quarries to head of ditch.

Very respectfully, etc.,

C. HARTNETT,

Surveyor and Engineer.

San Antonio, January 20, 1871.

THE STATE OF TEXAS, }

COUNTY OF BEXAR. }

Be it known that I, J. H. Kampmann, architect and builder, for the last twenty-two years a resident of the city of San Antonio, in said county of Bexar, do hereby certify that I am well acquainted with the land which the city of San Antonio proposes to donate to the State of Texas for the purpose of erecting thereon a penitentiary, and with the water power therewith connected, and with the city rock quarries immediately adjacent thereto. I hereby certify that said land is not subject to overflow; has never been overflowed by the San Antonio river during the time of my residence in said city, and is above high water mark. I also certify that the water power offered with said land is unsurpassed in character and practically limitless in extent. I further certify that the city rock quarries, immediately adjacent to said land, likewise offered therewith, are practically inexhaustible, and that the material thereof is of superior quality for building purposes.

[Signed]

J. H. KAMPMANN,

Architect and Builder.

San Antonio, January 20, 1871.

SAN ANTONIO, TEXAS, Jan. 20, 1871.

I, G. Freisleben, engineer and architect, do hereby certify that I have heretofore been called upon and engaged to examine, with reference to the erection of manufactories, the property offered by the city of San Antonio to the State of Texas, for the purpose of erecting thereon a penitentiary; and I certify that the site so offered, about three miles above the city, on the west side of the San Antonio river, and between the river and the upper labor ditch, below and contiguous to the old Spanish dam, is sufficiently elevated to be above the reach of overflows, and to my knowledge has not been overflowed within the last eighteen years. I also certify that the water power offered with said site is beyond any probable, and almost

beyond any possible demand of the country, being practically limitless; and I further certify that the city rock quarries, immediately adjacent to said offered site, and offered therewith, are apparently inexhaustible, and afford material for building purposes of a superior character.

[Signed]

G. FREISLEBEN,  
Engineer and Architect.

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SAN ANTONIO, Jan. 19, 1871.

I hereby certify that the site near the head of the San Antonio river, about three miles above the city of San Antonio, lying between the ditch of the upper labor and the river, contiguous to the old Spanish dam, is admirably adapted, in my opinion, for the establishment of a cotton or woolen factory, or both. The whole body of the San Antonio river has a fall at the dam of some eight feet, furnishing a large water power. Building stone of a superior quality exists in large quantities close to the mill site, and is, and has been for years, quarried for building purposes in the city; and the site itself is sufficiently elevated to be above the reach of overflows, not having, to my knowledge, been overflowed within the last twenty-five years.

[Signed]

F. GIRAUD,  
Engineer and Architect.

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OFFICE OF JOHN TWOHIG & Co., BANKERS, ETC., ETC.,  
SAN ANTONIO, January 20, 1871.

W. C. A. THIELEPAPE, Esq.,

Mayor of San Antonio :

DEAR SIR : In answer to your inquiry as to the probable number of bales of cotton grown annually within a radius of thirty miles of San Antonio, I have to say that, in my opinion, not less than two thousand bales are produced, and perhaps as many as twenty-five hundred.

San Antonio being the nearest point of supply for the cotton mills of middle and northern Mexico, it is but reasonable to count on greatly increased production in Bexar and the adjoining counties within a very few years. Besides this stimulus of trade, it is a well established fact that the lands of this vicinity are well adapted

to the growth of cotton, and that labor properly directed in the growth of cotton yields a surer and more remunerative return than any other crop.

Yours truly,

THOMAS D. JOHNSTON.

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I, Henry Trenchard, wool broker, do hereby certify that the quantity of wool of all qualities, delivered in the city of San Antonio, Texas, for the four months ending August 30, 1870, amounted in the aggregate, in round numbers to 300,000 pounds, costing \$52,990 62 in coin, exclusive of a very large amount which has found its way to the coast, without making lodgement in its passage through the city. I certify that within a radius of forty miles of the city of San Antonio, wool in great abundance is produced suitable for every variety of yarns incident to the woollen manufacture, and of qualities necessary for the manufacture of broadcloths, doeskins, cassimeres, tweeds, kerseys, shawls, beavers, pilots, horse rugs and blankets of all kinds, underclothing, etc., etc.

[Signed]

HENRY TRENCHARD,

Wool factor.

SAN ANTONIO, TEXAS, January 20, 1871.

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At a called meeting of the City Council of the city of San Antonio, held this seventh day of January, A. D. 1871, the following resolutions have been unanimously adopted, to-wit :

*Be it resolved by the City Council of the city of San Antonio,* 1st, That ten acres more or less, of the city lands, situated on the west side of the San Antonio river, near the head thereof, between the upper labor ditch and the river, immediately below the point where the ditch leaves the river, be tendered by the city of San Antonio to the State of Texas for the purpose of erecting thereon a State penitentiary.

*Resolved 2d,* That in case the same should be accepted by the State, all water powers and privileges for the running of any and all kinds of machinery as well as for irrigation and all other purposes, be granted in connection with this donation, and tendered herewith.

*Resolved 3d,* That in case of acceptance the State shall have free use of the adjacent city stone quarries for all purposes of building and improvement of the property donated.

*Resolved 4th,* That, in case of acceptance, the Mayor is hereby

authorized to make full and complete title to said property, together with all the powers and privileges above indicated.

*Resolved 5th*, That the Mayor be requested to communicate this proposition to the Legislature of the State of Texas and to transmit therewith a copy of these resolutions.

[SEAL.] I hereby certify this to be a true and correct copy of the original, done this seventh day of January A. D. 1871.

[Signed.]

G. W. BARTHOLAMEW, Jr.,

City Clerk.

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SAN MARCOS, HAYS CO., TEXAS,  
January 9, 1871.

To his Excellency,

E. J. DAVIS,

Governor of the State of Texas :

SIR : I respectfully submit the following proposition for the location of the west branch penitentiary at this place, to be laid before the Legislature by you :

I have sixty acres of land adjoining the town of San Marcos, and fronting on the San Marcos river 500 varas. In that distance there is a natural fall of water three feet ten inches, which can be easily raised to ten feet; for which premises I will take twelve thousand five hundred dollars in gold.

This land is above high water mark. Wood sells here at two dollars per cord and the supply in this vicinity is inexhaustible. Good building rock can be had within two miles of the place at a mere nominal price above the cost of quarrying. Sand can be had two miles distant at a cost of twenty-five cents for a large wagon load, and lime can be supplied at one dollar per barrel.

I have the honor to be very respectfully your obedient servant,

[Signed]

JOHN F. MCGHEE.

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AUSTIN, January 24, 1871.

To his Excellency,

E. J. DAVIS,

Governor of Texas :

SIR : Having learned that the report of the committee appointed by the citizens of Goliad county, in relation to advantages that Goliad

has for the location of the "western penitentiary," has been mislaid, I ask that the following facts be substituted.

The report of that committee showed that stone suitable for building could be had at one dollar per perch; lime, one dollar and a half per barrel; wood, two dollars and a half per cord—health, unsurpassed, with an abundance of water and water power for all times. Besides this, there is in the hands of our representatives various petitions numerously signed by the citizens of different counties, and large donations of lands, upon condition that it be located in Goliad county.

The Common Council of the town of Goliad propose to give one thousand acres in farm lots on the corporation, or the twenty acres upon which stands the large and commodious buildings known as "Aranama College."

There are eighty acres of land adjoining to and including the celebrated falls on the San Antonio river, about two miles below Goliad that can be had, if preferred, to the other donations.

Goliad is situated about forty miles from the bay. Lumber has been sold in Goliad at forty dollars per 1000 feet.

Being satisfied that no place combines all these advantages, and being nearly central, I ask that this be duly considered. With much respect for and confidence in your administration, I remain as ever,

[Signed]

R. W. DAVIS,  
Delegate.

## THE STATE OF TEXAS, {

COUNTY OF GOLIAD. }

Whereas, on the eleventh day of January, 1871, there was a special meeting of the Common Council of the town of Goliad, at which meeting, it was ordained that one thousand acres of land be, and is hereby donated to the penitentiary, provided it should be located at this place. It was further ordained, that one thousand acres of land be, and the same is hereby donated to the penitentiary, provided it should be located at this place. It was further ordained, that one thousand acres of land be, and the same is hereby donated for railroad purposes on the same condition as above; and it was further ordained, that one thousand acres be, and is hereby donated to the San Antonio River Valley Irrigation Company, provided that said company get a charter and go into full operation.

Given under my hand at office, this twelfth day of January, 1871.

[Signed]

A. W. WIGGINTON,  
Recorder.

GOLIAD, TEXAS, January 10, 1871.

We, the undersigned, *agree* to give to the State of Texas, upon the condition that the Western Penitentiary is located in this county, the amounts that immediately follow our names:

J. D. Denham, 200 acres (two hundred acres) of land within two miles of Goliad; also, use of stone quarry, sufficient for all building purposes.

J. W. Kinney, 200 acres in Goliad county.

J. M. Goffe, 200 acres in Escondido Cr.

Isaac Franklin, 150 acres.

Col. Gordan Case, 150 acres in Goliad county.

J. M. Wood, \$25 00 specie.

G. Von Dohlen, \$50 00.

L. Phillips, \$10 00.

L. Holton, \$10 00.

G. B. Smant, \$10 00.

E. J. Haligood, \$50 00.

Wm. M. McGurty, 150 acres in Goliad county.

A. M. Wigginton, Jr., \$20 00.

J. Alison, 150 acres in Goliad county.

A. H. Lasater, 40 acres.

Wm. H. Bell, 250 acres in Bee county.

W. S. Gorman, 200 acres in Bee county.

J. L. Gorman, 100 acres near town tract.

P. B. Wood, 100 acres Goliad county.

Solomon Parks, 100 acres, Goliad county.

John Smith, 140 acres, Goliad county.

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To His Excellency,

The Governor of the State of Texas:

DEAR SIR: We, the undersigned citizens of Victoria county, would represent unto your honor that we believe Goliad county to be the most suitable point for the location of the proposed penitentiary west of the Colorado river, being healthy, and abounding in material for building purposes.

We therefore recommend same, and ask your careful consideration.

[Signed]

A. LEVI,  
J. M. BROWNSON,  
and others.

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To His Excellency,

The Governor of the State of Texas :

DEAR SIR: We, the undersigned citizens of DeWitt county, would respectfully represent unto your honor that we believe Goliad county to be the most suitable point for the location of the proposed penitentiary west of the Colorado river, being healthy, and abounding in material for building purposes.

We therefore recommend same, and ask your careful consideration.

[Signed]

WM. HAUSMANN,

R. BROWN,

and others.

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To His Excellency,

The Governor of the State of Texas :

DEAR SIR: We, the undersigned citizens of Goliad county, would respectfully represent unto your honor, that we are satisfied that this county is most suitable for the location of the proposed penitentiary west of the Colorado river, being exceedingly healthy, abounding in material for building purposes, etc.

We therefore recommend same, and ask your careful consideration.

[Signed]

A. A. MERRIMAN,

WILLIAM HOBDY,

and others.

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To His Excellency,

The Governor of the State of Texas :

DEAR SIR: We, the undersigned citizens of Bee county, would respectfully represent unto your honor that we believe Goliad county to be the most suitable point for the location of the proposed penitentiary west of the Colorado river; said county is healthy, and abounds in material for building purposes.

We therefore recommend the same, and ask your consideration.

[Signed]

THOS. H. O'CALLAHAN,

WM. M. JONES,

and others.

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To His Excellency,

The Governor of the State of Texas :

DEAR SIR: We the undersigned citizens of Jackson county, would respectfully represent unto your honor that we believe Goliad county to be the most suitable point for the location of the proposed penitentiary west of the Colorado river, being healthy and abounding in material for building purposes.

We therefore recommend the same, and ask your careful consideration.

[Signed]

SAM P. TERRELL,  
and others.

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To His Excellency,

The Governor of the State of Texas :

DEAR SIR: We, the undersigned citizens of Lavaca county, would respectfully represent unto your honor that we believe Goliad county to be the most suitable point for the location of the proposed penitentiary west of the Colorado river, said county being healthy and abounding with material for building purposes.

We therefore recommend the same and ask your careful consideration.

[Signed.]

SAM B. DICKINSON,  
JOHN SIMPSON,  
and others.

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To His Excellency,

The Governor of the State of Texas :

DEAR SIR: We, the undersigned citizens of DeWitt county, would respectfully represent unto your honor that we believe Goliad county to be the most suitable point for the location of the proposed penitentiary west of the Colorado river, being healthy and abounding in material for building purposes.

We therefore recommend the same, and ask your careful consideration.

[Signed.]

ROBERT C. ECKHARDT,  
A. METZ, and others.

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The following has been received from Burnet county:

BURNET, BURNET COUNTY, TEXAS,

December 2, 1870.

We, the undersigned citizens, do hereby promise to pay the sums annexed to our names below, to the State of Texas, for the purpose of procuring a site at the marble falls for the purpose of building a penitentiary.

S. E. Holland.....	\$100 00
John Alexander.....	50 00
R. Flater.....	25 00
W. J. Chamberlain.....	10 00
W. J. Jemmyse.....	25 00
J. S. Harwell.....	25 00
Henry Henine.....	5 00
L. Rodgers.....	5 00
Joseph Kelly.....	2 50
John Barton.....	20 00
Robert Alexander.....	20 00
J. B. Arnett.....	10 00
McFarland and Crews.....	50 00
E. Sampson.....	25 00
J. W. Posey.....	50 00
R. W. Cates.....	20 00
John Davis.....	50 00
John D. Williams.....	5 00
John McFarlin.....	5 00
Norton Moses.....	20 00
Jonathan Williams.....	20 00
W. A. Blackburn.....	5 00
S. A. Posey.....	5 00
J. T. Woodard.....	20 00
W. P. Luckie.....	100 00
E. G. Evans.....	5 00
L. Thomas.....	25 00
P. H. Roper.....	50 00
A. B. Coner.....	20 00
G. B. Coon.....	25 00
W. W. Brooks.....	10 00
J. L. Hansford.....	25 00
J. O. Narreo.....	5 00
W. B. Johnson.....	1 00
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GOLIAD, TEXAS, January 27, 1871.

R. W. DAVIS,

DEAR SIR: Enclosed herewith, find proceedings of the town council in reference to the location of the western branch penitentiary, etc., etc.

Further, in the name of the Common Council, I am authorized to assure you, that should a different site be preferred for the location of the penitentiary, if located within the corporate limits of Goliad, than the one offered, (Aranama College, etc.,) that it shall be secured and donated to the State for that purpose.

Respectfully your friend, etc.,

A. M. WIGGINTON, JR.,  
Recorder, acting as Mayor.

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### COUNCIL PROCEEDINGS.

[OFFICIAL.]

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COUNCIL CHAMBER,  
January 27, 1871.

At a called meeting of the mayor and council of the town of Goliad there were present: A. M. Wigginton, Jr. acting Mayor, in the chair; Ed. Suligson, Secretary *pro tem.*; Messrs. M. Knisle, Geo. Vandohlen, Edward Milde, Ed. Suligson, J. D. Ryan and J. W. Lane, Aldermen.

The acting mayor presented to the council a copy of the proceedings of a meeting of the citizens of Goliad held this day.

On motion, the proceedings of the meeting were read and approved.

On motion of Alderman J. W. Lane, the following resolution was read and adopted:

*Resolved by the Town Council of the town of Goliad, That it is ordered and ordained by the council that the Aranama College and Mission buildings, and the twenty acres of land on which said buildings stand, be, and the same are hereby donated to the State of Texas as a site for the location of the western branch of the State Penitentiary, should the same be located in Goliad.*

On motion, it was ordered that Messrs. Milde, Suligson and Knisle be appointed a committee to examine and measure the dimensions of the Aranama College and Mission building and walls, so as to ascertain as near as possible the value of the donation, and to report as soon as possible to this body this day.

## REPORT OF THE COMMITTEE.

The committee appointed to examine and measure the college and mission buildings, having performed that duty, beg leave to report :

That the college building measured outside, is sixty-six feet in length, forty-two feet in width and three stories high; a hall through the building twelve feet wide, running through each story lengthwise, and thirty rooms in the building. The building is of stone; within a few yards stands the mission building, two stories high, 60x36 feet; wall three feet thick, solid rock, and stone wall around the building five feet high and two feet thick, three hundred and seventy feet long and three hundred feet wide.

These buildings, with the twenty acres of land on which they stand, we value at \$30,000.

The site is high, on the bank of the river, and surrounded with an inexhaustible supply of the best rock for building purposes, fuel in abundance, and with small cost; water power can be obtained at that location without difficulty.

The distance from the town proper, is about a half or three-quarters of a mile.

The report being received, the board adjourned.

A. M. WIGGINTON, JR.,  
Acting Mayor.

ED. SULIGSON, Secretary *pro tem*.

To his Excellency,

The Governor of the State of Texas :

DEAR SIR: We, the undersigned citizens of Calhoun county would respectfully represent unto your Honor that we believe Goliad county to be the most suitable point for the location of the proposed penitentiary, west of the Colorado river, being healthy and abounding in material for building purposes. We therefore recommend the same, and ask your careful consideration :

H. Seeligson & Co.,  
J. E. Mitchell & Co.,  
Woodward Bro's,  
E. Moses,  
J. M. Crain,  
Thos. Loyd,  
J. Payne,  
J. B. Thompson,  
T. S. Tounsend,

Nicholas Cahill,  
John Boruth,  
Robt. Clark,  
Stephen Minot,  
A. Z. Anderson,  
H. Keller,  
Geo. Doelling,  
L. Aschaffenburg,  
Hartter & Buisner,

R. K. Seward,  
C. B. Hubbell,  
A. M. Shannon,  
G. W. Volk,  
Edwin Lilly,  
Greene Holland,  
Miller & Rundle,  
James Smith,  
Fred. Sanders,

C. & A. Keller,  
D. C. Proctor,  
W. C. Vance,  
F. U. Gentry,  
H. Nauan,  
Jacob Hans,  
James Collins,  
Henry B. Miller.

On motion of Senator Flanagan, the message was referred to a select committee of three.

The President appointed on said committee Senators Flanagan, Dohoney and Bell.

On motion of Senator Fountain, the Senate adjourned to 11, A. M., to-morrow.

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